

Summary of Key Provisions of the Conyers Fix 1996 Bill

“The Restoration of Fairness in Immigration Act of 2002”

Title I-Due Process in Immigration Proceedings

- Restores the right to a due process hearing before an immigration judge and permits asylum seekers to have the merits of their asylum claims heard by a judge. Permits the Attorney General to invoke expedited removal in "extraordinary migration situations"
- Overturns unconstitutional court-stripping provisions of the 1996 law;
- Provides the Attorney General with the discretion to release immigrants from detention when it has been determined that they do not pose a safety risk and are not likely to flee;
- Establishes a 6-month ceiling consistent with recent Supreme Court decisions on the time an individual can be detained after a deportation order unless they have been certified as a terrorist suspect;
- Codifies INS history of deportation hearings being open to the public;
- Requires that persons detained for an immigration violation be placed in removal proceedings within 48 hours, unless they have been certified as a terrorist suspect;
- Prohibits automatic stays without further court action of custody decisions issued by an immigration judge or appeals board except in cases involving national security;
- Requires the establishment of a process by which visa decisions made by consular officers may be reviewed;

Title II-Fairness in Cases Involving Previous and Minor Misconduct

- Repeals portions of the 1996 law that retroactively allow deportation of legal permanent residents for minor offenses;
- Restores Attorney General discretion to permit humanitarian exceptions to deportation orders for minor offenses;
- Restores discretion to immigration judges to grant relief from removal to long-time permanent residents who have committed minor offenses;
- Restores the availability of equitable and discretionary relief to deserving immigrants seeking admission;
- Repeals the harsh bars to admissibility for minor immigration violations.

Title III-Encouraging Family Reunification

- Streamlines procedures by which spouses, young children, and others can rejoin their families;

- Permits asylee and refugee status for the unmarried sons and daughters of asylees and refugees;
- Provides protection for the eligibility of certain time sensitive applicants based on INS and State Department processing delays;
- Removes the limitations placed on waivers of inadmissibility in the 1996 law;
- Permits immigrants to adjust their immigration status without being forced to go abroad by restoring section 245(i).

Title IV-Fairness in Asylum and Refugee Proceedings

- Provides for more efficient and equitable consideration of refugee admissions and asylum determinations;
- Eliminates arbitrary time limits on filing asylum applications;
- Clarifies eligibility for asylum sought on gender based persecution;
- Eliminates arbitrary cap on persons eligible to adjust their asylee status to that of a legal permanent resident.